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10/523,724	02/07/2005	Junichi Sato	P26640	1116

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EXAMINER	
RIVERO, ALEJANDRO	

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/523,724	SATO ET AL.	
	Examiner	Art Unit	
	Alejandro Rivero	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-13,15 and 16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-13,15 and 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 February 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: 100 (page 5 line 12, page 14 lines 5 and 15). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: APPARATUS AND METHOD FOR PLAYBACK OF STORED CONTENT OR BROADCAST CONTENT BASED ON PREDICTED LOCATION AND/OR USER ATTRIBUTES.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should

describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains the words "by means" (lines 5 and 11), which are considered legal phraseology.

The abstract of the disclosure is objected to because it contains the phrase "In the present invention" (line 1), which can be implied.

Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because it contains the embedded hyperlink and/or other form of browser-executable code http://www.w3.org (page 7 line13). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

5. The disclosure is objected to because of the following informalities:

In page 26 (line3), the examiner respectfully suggest replacing "information 1" with "information 2". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "when current location information is detected" in line 2. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination claim 11 will be treated as reciting "current location information is detected" instead of the aforementioned phrase.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichiura et al. (US 5,734,780).

Consider claim 1, Ichiura et al. disclose a terminal apparatus (receiving device) comprising: a storage section (recording medium, optical disc information reproducing device) that stores stored content (column 2 lines 40-67, column 5 lines 43-58); a content receiving section (receiver) that receives content by means of broadcasting or communication (column 2 lines 13-19); a received content storage section (recording medium, optical disc information reproducing device) that stores received content (column 2 lines 40-67, column 5 lines 43-

58); a playback (reproducing) section that plays back said stored content or said received content (column 2 lines 40-67); and a playback control section that causes said playback section to switch between playing back said stored content and playing back said received content (column 2 line 7- column 3 line 50) based on at least one of playback conditions of said stored content and reception conditions of said received content (column 2 line 7- column 3 line 50 where Ichiura et al. disclose switching the content being reproduced based on detection of an intermission (playback condition) in the audio or video).

Consider claim 9, Ichiura et al. disclose an information playback (reproducing) method comprising: a step of receiving content by means of broadcasting or communication (column 2 lines 13-19); a step of storing received content in a received content storage (recording medium, optical disc information reproducing device) section (column 2 lines 40-67, column 5 lines 43-58); and a step of switching between playing back stored content of a storage section that stores content and playing back said received content (column 2 line 7- column 3 line 50) based on playback conditions of said stored content and reception conditions of said received content (column 2 line 7- column 3 line 50 where Ichiura et al. disclose switching the content being reproduced based on detection of an intermission (playback condition) in the audio or video).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 2, 4, 5, 7, 8, 10, 12, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiura et al. in view of Marcus (US 2002/0092019 A1).

Consider claims 2 and 10 Ichiura et al. disclose all the limitations as applied to claims 1 and 9 above and also disclose a content list management section (control circuit, switching circuit) that manages a content list storing at least one or more of an address (prefix) of content (column 2 line 40- column 3 line 16, column 5 lines 20-58 where Ichiura et al. disclose selecting (managing) which content to reproduce from a plurality (list) of data groups) relating to a location within a predetermined area (column 5 lines 28-33 where Ichiura et al. disclose such a data group can be for example a junction (location) of a specific road (predetermined area)), a location detection section that detects current location information (column 3 lines 5-51, column 10 lines 18-32 where Ichiura et

al. disclose an electric field intensity measuring circuit (electric field intensity depends on location, hence location detection) determining whether a traffic information broadcast (the traffic information update is specific to a location, hence current location information) should be received based on the measured intensity and supplies the result to the control circuit) and a received content determination section that determines content that should be received (column 3 lines 5-51, column 10 lines 18-32 where Ichiura et al. disclose an electric field intensity measuring circuit determining whether a traffic information broadcast should be received based on the measured intensity and supplies the result to the control circuit) and said playback control section causes said playback section to switch between playing back that content and playing back said stored content (column 2 line 7- column 3 line 50).

Ichiura et al. do not disclose storing a location in combination with the content and determining content that should be received based on said current location information and wherein said content receiving section receives content relating to a current location determined by said received content determination section.

Marcus discloses storing a location in combination with the content, (paragraphs [0168]-[0171] where Marcus discloses using a GPS system that makes the location of the user known to the system in order to provide the user with regional insertions based on the user's location, hence Marcus is inherently teaching matching (combining) a location with a specific content address since in order to provide the correct regional insertion the system must first match the

user's location to a correct region for which there is related content) and determining content that should be received based on said current location information (paragraph [0168] where Marcus discloses providing the user with correct information (information that should be received) based on the user's location) and wherein said content receiving section receives content relating to a current location determined by said received content determination section (paragraphs [0168]-[0171] where Marcus discloses that a user receives correct information based on the user's location determined by a GPS system).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to store a location (in combination with the content) and determine content that should be received based on said location and receive content relating to the current location determined as in the system taught by Marcus in the method and apparatus of Ichiura et al. since it would be advantageous for the user to receive information specific to the user's current location such as a case in which the user is driving and receives traffic information pertaining to the particular road that the user is traveling, thus optimizing the content made available to the user (as suggested by Marcus in paragraph [0089]-[0095], [0168] and as suggested by Ichiura et al. in column 1 lines 41-46, column 3 lines 40-50 and column 5 lines 28-33).

Consider claims 4 and 12, Ichiura et al. disclose all the limitations as applied to claims 2 and 10 above and also disclose an attribute output section that accepts attribute information indicating an interest of a user (column 5 lines 43-58, column 11 lines 35-58 where Ichiura et al. disclose a user can listen to

music and not be interrupted by traffic updates (until intermissions) or alternatively obtaining the most recent traffic information based on a user's instruction and only for a period during which the user wants (hence indicating interest of a user) to obtain the information) and outputs said attribute information to said received content determination section (column 10 lines 18-50, column 11 lines 30-58 where Ichiura et al. disclose obtaining the most recent traffic information based on a user's instruction (hence attribute information indicating interest of a user hence) and receiving a traffic update based on electric field intensity measurements).

Ichiura et al. do not disclose recording the attribute information and wherein said received content determination section determines content that should be received from said content list based on said current location information and said attribute information.

Marcus discloses recording attribute information (paragraphs [0014]-[0017] where Marcus discloses recording user preferences (attribute information) using a tagging operation) and wherein said received content determination section determines content that should be received from said content list based on said current location information and said attribute information (paragraphs [0014]-[0017], [0089]-[0095], [0116]-[0142], [0168]-[0171] where Marcus discloses receiving content specific to a user preference and a user's location).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to record attribute information and determine content that should be received from said content list based on said current location

information and said attribute information, as taught in the system of Marcus, in the apparatus and method of Ichiura et al. since it would be advantageous for the user to receive information specific to the user's current location such as a case in which the user is driving and receives traffic information pertaining to the particular road that the user is traveling (as suggested by Marcus in paragraph [0089]-[0095], [0168] and as suggested by Ichiura et al. in column 1 lines 41-46, column 3 lines 40-50 and column 5 lines 28-33) and because recording user preferences allows the user to optimize the listening experience since the content made available is not a broadly-segmented master program but rather a refined program stream based on such user preferences (as suggested by Marcus in paragraphs [0089]-[0095] and [0137]-[0142]).

Consider claims 5 and 13, Ichiura et al. in view of Marcus disclose all the limitations as applied to claims 4 and 12 above and also disclose wherein part of information contained in stored content of said storage section is recorded in said attribute output section as said attribute information (paragraphs [0014]-[0017], [0089]-[0095], [0116]-[0142], [0168]-[0171] where Marcus discloses recording user preferences using a tagging operation).

Consider claims 7 and 15, Ichiura et al. disclose all the limitations as applied to claims 1 and 9 above and also disclose a save instruction section (control circuit, specific information recording/reproducing device) that gives an instruction for saving (recording) or deletion of content of said received content storage section (column 2 lines 40-67, column 5 lines 43-58, column 10 lines 18-50, column 11 lines 35-58).

Ichiura et al. do not disclose saving content in accordance with operational input of a user.

Marcus discloses saving content in accordance with operational input of a user (paragraphs [0014]-[0048], [0089]-[0095], [0116]-[0142], [0168]-[0171] where Marcus discloses that a user can accept or reject received content thus saving only pertinent messages).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to save content in accordance with operational input of a user, as taught by Marcus, in the method and apparatus of Ichiura et al. for the purpose of allowing a user to reproduce a particular saved content at a user's convenience, giving the user control over what and when content is reproduced and because saving a preferred content allows the user to optimize the listening experience since the content saved is not a broadly-segmented master program but rather a refined program stream based on user preferences (as suggested by Marcus in paragraphs [0042]-[0048], [0089]-[0095] and [0137]-[0142]).

Consider claims 8 and 16, Ichiura et al. in view of Marcus disclose all the limitations as applied to claims 7 and 15 above and also disclose wherein part of information contained in content for which there is a save instruction from said save instruction section is recorded in said attribute output section as said attribute information (paragraphs [0014]-[0048], [0089]-[0095], [0116]-[0142], [0168]-[0171] where Marcus discloses recording user preferences using a tagging operation).

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiura et al. in view of Marcus and further in view of Johnson (US 6,456,234 B1).

Consider claim 3, Ichiura et al. in view of Marcus disclose all the limitations as applied to claim 2 above and also disclose wherein said location detection section detects a direction of movement or speed of movement of an apparatus main unit (paragraphs [0168]-[0172] of Marcus where Marcus discloses using a GPS to find a location of a user in a moving vehicle, hence movement direction and speed are detected), and said received content determination section predicts (detects) a playback time of day of content received (such as time of an intermission between music) by said content receiving section from a playback time period of content (such as a CD or DVD) being played back by said playback section (column 2 line 20- column 3 line 40, column 5 line 43-column 7 line 54 of Ichiura et al.)

Ichiura et al. in view of Marcus do not disclose determining that content relating to a movement destination location of an apparatus main unit at said predicted playback time of day to be content that should be received.

Johnson discloses detecting direction and speed of movement and determining content relating to a movement destination location of said apparatus main unit at said predicted playback time of day to be content that should be received (column 1 lines 19-25, column 2 lines 10-37, column 3 line 41-column 4 line 40, column 9 line 10- column 10 line 65, column 11 lines 20-48).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to determine content relating to a movement destination location of said apparatus main unit at said predicted playback time of day to be content that should be received, as taught by Johnson, in the apparatus and method of Ichiura et al. in view of Marcus, since it would be advantageous for the user to receive proactive content which is based on the user's situational location and takes into account the user's future trajectory and eliminates the burden on the user of having to pull location-related content via query (as suggested by Johnson in column 2 line 10- column 4 line 50).

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiura et al. in view of Johnson (US 6,456,234 B1).

Consider claim 11 (and the rejection under second paragraph of 35 U.S.C. 112, above), Ichiura et al. disclose all the limitations as applied to claim 9 above and also disclose wherein current location information is detected (column 3 lines 5-51, column 10 lines 18-32 where Ichiura et al. disclose an electric field intensity measuring circuit (electric field intensity depends on location, hence location detection) determining whether a traffic information broadcast (the traffic information update is specific to a location, hence current location information) should be received based on the measured intensity), a playback time of day of content to be received (such as time of an intermission between music) is predicted (detected) from a playback time period of content of said storage section (such as a CD or DVD) being played back (column 2 line 20- column 3 line 40, column 5 line 43-column 7 line 54).

Ichiura et al. do not disclose that a direction of movement or speed of movement of an apparatus main unit is detected and content relating to a movement destination location of said apparatus main unit at said predicted playback time of day is determined to be content that should be received.

Johnson discloses that a direction of movement or speed of movement of an apparatus main unit is detected (column 9 line 10- column 10 line 65, column 11 lines 20-48) and content relating to a movement destination location of said apparatus main unit at said predicted playback time of day is determined to be content that should be received (column 1 lines 19-25, column 2 lines 10-37, column 3 line 41-column 4 line 40).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to detect a direction or speed of movement of an apparatus main unit and determine content relating to the movement destination location of said apparatus main unit at said predicted playback time of day to be content that should be received, as taught by Johnson, in the apparatus and method of Ichiura et al., since direction and speed of movement can be used to determine the user's situational location and it would be advantageous for the user to receive proactive content which is based on the user's situational location and takes into account the user's future trajectory and eliminates the burden on the user of having to pull location-related content via query (as suggested by Johnson in column 2 line 10- column 4 line 50).

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alejandro Rivero whose telephone number is 571-272-2839. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

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